

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF RESPIRATORY CARE EXAMINERS

[R08-95]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 45, Board of Respiratory Care Examiners
Article and its heading: 2, Licensure
Section numbers: R4-45-214 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
The Board is clarifying that failure to comply with an order issued by a court of competent jurisdiction is unprofessional conduct.
3. **A citation to all published notices relating to the proceeding:**
None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mary Hauf Martin
Address: Board of Respiratory Care Examiners
1400 W. Washington St., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-5995
Fax: (602) 542-5900
E-mail: Mary@rb.state.az.us
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be decided

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR POLLUTION CONTROL

[R08-89]

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control
Articles and their headings: 8, Emissions from Mobile Sources (New and Existing)
Section numbers: R18-2-608
2. **The subject matter of the proposed rule:**
The Arizona Department of Environmental Quality is considering adding the phrase “or maintenance” to clarify that pollution control measures continue after the construction of mineral tailings piles.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Danielle Dancho
Address: 1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4210

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Fax: (602) 771-2366
E-mail: dmd@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be announced in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R08-92]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Articles and their heading: 1, Workers' Compensation Practice and Procedure
Section numbers: R20-5-101 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**
R20-5-101 specifies the types of actions that apply to Article 1. R20-5-101 is being amended to add civil penalties for failure to have workers' compensation insurance under A.R.S. § 23-907 to the type of actions that apply to Article 1.
- 3. A citation to all published notices relating to the proceedings:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Nancy O. Johnson
Legal Division

Address: Industrial Commission of Arizona
800 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-5948
Fax: (602) 542-6783
E-mail: njohnson@ica.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments at the location listed in item 4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R08-91]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Articles and their heading: 1, Workers' Compensation Practice and Procedure
Section numbers: R20-5-102 and R20-5-127 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**
Currently R20-5-127 requires insurance carriers to report workers' compensation coverage information to the Industrial Commission ("Commission"), as is required in A.R.S. § 23-961(I). R20-5-127 is being amended to require carriers to report coverage information to the National Council on Compensation Insurance, Inc. (NCCI) and to specify the information the carrier must report. This amendment will eliminate duplicate reporting by the insurance carriers, and still meet the requirements of A.R.S. § 23-961(I), as the Commission will have access to the information from NCCI. R20-5-102 is being amended to add definitions of terms that are used in R20-5-127.
- 3. A citation to all published notices relating to the proceedings:**

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None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Nancy O. Johnson
Legal Division

Address: Industrial Commission of Arizona
800 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-5948

Fax: (602) 542-6783

E-mail: njohnson@ica.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Commission will accept written comments at the location listed in item 4 until the close of record, to be announced in the Notice of Proposed Rulemaking. The Commission has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R08-90]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
- Chapter and its heading:** 5, Industrial Commission of Arizona
- Articles and their heading:** 1, Workers' Compensation Practice and Procedure
- Section numbers:** R20-5-106, R20-5-164 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

R20-5-106 provides the various forms prescribed by the Industrial Commission. R20-5-106 is being amended to amend Report of Significant Work Exposure to Bodily Fluids form (R20-5-106 (A) (11)) to include the citation A.R.S. § 23-1043.04. R20-5-164 is being amended, as specified in A.R.S. § 23-1043.04, to include methicillin-resistant staphylococcus aureus, spinal meningitis, and tuberculosis to the Industrial Commission's notification and reporting requirements.

3. A citation to all published notices relating to the proceedings:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Nancy O. Johnson
Legal Division

Address: Industrial Commission of Arizona
800 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-5948

Fax: (602) 542-6783

E-mail: njohnson@ica.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written comments at the location listed in item 4 until the close of record, which has not yet been determined. No oral proceedings have been scheduled at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

[R08-97]

1. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 6, Occupational Safety and Health
Section numbers: R20-5-602

2. **The subject matter of the proposed rule:**

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring State administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, The Industrial Commission is removing several references to consensus standards that have requirements that duplicate, or are comparable to, other OSHA rules and is making a technical change to 29 CFR 1910.107(c)(1)(iv). These changes are incorporated by reference as published in the *Federal Register* 72 FR 71061 – 71070, December 14, 2007.

Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007, and can be downloaded from the Federal OSHA web site www.osha.gov.

3. **A citation to all published notices relating to the proceeding:**

None

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: William M. Wright, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.william.m@dol.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

To be published in Notice of Proposed Rulemaking

6. **A timetable for agency decisions or other action on the proceeding, if known:**

Not yet known